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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,884	07/26/2001	Joseph Paul Kuczynski	ROC920010031US1	7502

7590 11/14/2002
Steven W. Roth
IBM Corporation, Dept. 917
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Rochester, MN 55901-7829

EXAMINER

MARTINEZ, JOSEPH P

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/915,884

Applicant(s)

KUCZYNSKI, JOSEPH PAUL

Examiner

Joseph Martinez

Art Unit

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Period for Reply
The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-6, 9-12 and 14-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. (US Patent Number 6,302,596) in view of McWilliams et al. (US Patent Number 5,080,744).

Re claims 1-3, 5-6, 9-12 and 14-21, Cohen et al. teach for example, an optical subassembly (TOSA 102, fig. 2, col. 6, lines 7-68, col. 7, lines 1-28) and method of making an optical subassembly for an optoelectronic module (transceiver module 172, figs. 7a-b, col. 8, lines 3-17), comprising: a lens (lens 108, fig. 2, col. 6, lines 7-68, col. 7, lines 1-28); an optoelectronic device (TO can 130, fig. 2, col. 6, lines 7-68, col. 7, lines 1-28); an adhesive interface (col. 6, lines 7-68, col. 7, lines 1-28), wherein optoelectronic device includes a laser (chip 134, fig. 2, col. 6, lines 7-68, col. 7, lines 1-28) or a photoelectric receiver chip (chip 136, fig. 2, col. 6, lines 7-68, col. 7, lines 1-28), wherein the lens is integrally formed with a housing member of the optical subassembly (fig. 2, col. 6, lines 7-68, col. 7, lines 1-28), wherein the adhesive interface is in physical contact with at least a portion of the housing member that does not comprise the lens (fig. 2, col. 6, lines 7-68, col. 7, lines 1-28), wherein at least a portion of the housing member and the lens is formed from polyetherimide (col. 9, lines 33-40), wherein the adhesive interface is formed by curing an adhesive material selected from the group

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*consisting of acrylic adhesives, urethane acrylate adhesives, epoxy adhesives, and mixtures thereof (col. 8, lines 54-68, col. 9, 1-10), an optoelectronic module, comprising: a housing (metal shell 178, figs. 7a-b, col. 8, lines 3-17); an electronic circuit board (circuit board 174, figs. 7a-b, col. 8, lines 3-17) mounted within the housing; at least one optical subassembly (figs. 7a-b, col. 8, lines 3-17) connected to the electronic circuit board; applying an adhesive to a lens, applying an adhesive to an optoelectronic device and joining the lens having the adhesive applied thereto and the optoelectronic device having the adhesive applied thereto (col. 8, lines 18-68, col. 9, 1-10), wherein the curing step includes the step of exposing the joined adhesive to UV radiation through the housing member (col. 8, lines 47-50), or wherein the curing step includes the step of heating the joined adhesive (col. 9, lines 11-32), but fail to teach the adhesive is positioned between and in physical contact with the lens and the device, wherein the adhesive material is a urethane-acrylate adhesive that includes a polyurethane oligomer. However, McWilliams et al. teach for example, the adhesive (adhesive 26, fig. 2, col. 4, lines 55-68, col. 5, lines 1-5) is positioned between and in physical contact with the lens (plastic layer 22, fig. 2, col. 4, lines 55-68, col. 5, lines 1-5) and the device (moisture resistant material layer 24, fig. 2, col. 4, lines 55-68, col. 5, lines 1-5), wherein the adhesive material is a urethane-acrylate adhesive that includes a polyurethane oligomer (col. 4, lines 35-54). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cohen et al. and McWilliams et al. to provide an optical subassembly with an optically transmissive adhesive because the module would be securely held together and allow transmission of light.

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Claims 4, 7-8 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al. in view of McWilliams et al. in further view of Deman et al. (US Patent Number 4,187,404).

Re claims 4, 7-8 and 13, claims 1 and 11 are rejected as noted above. Cohen et al. in view of McWilliams et al. do not teach that the lens has a surface the shape of which is selected based on a refractive index of the adhesive interface and that the adhesive interface has a predetermined optical transmittance at the operating wavelength of the optoelectronic device, wherein the operating wavelength of the optoelectronic device is about 850 nm. However, Deman et al. teach for example, the adhesive interface has a predetermined optical transmittance at the operating wavelength of the device (col. 6, lines 25-42), but fail to teach the operating wavelength of the device is about 850 nm. However, it is a fundamental design choice to operate in the 850 nm wavelength and provide a lens in the 850 nm wavelength because lasers that operate in the 850 nm wavelength are readily and commercially available. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Cohen et al., McWilliams et al. and Deman et al. because it would reduce cost of manufacture.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Martinez whose telephone number is 703-305-0577. The examiner can normally be reached on T-F 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on 703-308-4883. The fax phone numbers for the

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organization where this application or proceeding is assigned are 703-308-7724 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-4883.

A handwritten signature, possibly reading 'JPM', in dark ink.

November 6, 2002

A handwritten signature in dark ink, appearing to read 'Hung Xuan Dang'.

Hung Xuan Dang
Primary Examiner